

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 743

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Al Park

AN ACT

**RELATING TO INTEREST ON JUDGMENTS; PROVIDING THAT THE STATE AND
ITS POLITICAL SUBDIVISIONS ARE NOT EXEMPT FROM THE IMPOSITION
OF POST-JUDGEMENT INTEREST; AMENDING A SECTION OF THE NMSA
1978.**

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**Section 1. Section 56-8-4 NMSA 1978 (being Laws 1851-
1852, p. 255, as amended) is amended to read:**

**"56-8-4. JUDGMENTS AND DECREES--BASIS OF COMPUTING
INTEREST. --**

**A. Interest shall be allowed on judgments and
decrees for the payment of money from entry and shall be
calculated at the rate of eight and three-quarters percent per
year, unless the judgment is rendered on a written instrument
having a different rate of interest, in which case interest**

1 shall be computed at a rate no higher than specified in the
2 instrument or unless the judgment is based on tortious conduct,
3 bad faith, intentional or willful acts, in which case interest
4 shall be computed at the rate of fifteen percent.

5 B. The court in its discretion may allow interest
6 of up to ten percent from the date the complaint is served upon
7 the defendant after considering among other things:

8 (1) if the plaintiff was the cause of
9 unreasonable delay in the adjudication of the plaintiff's
10 claims; and

11 (2) if the defendant had previously made a
12 reasonable and timely offer of settlement to the plaintiff.

13 C. Nothing contained in this section shall affect
14 the award of interest or the time from which interest is
15 computed as otherwise permitted by statute or common law.

16 D. The state and its political subdivisions are
17 exempt from the provisions of Subsection B of this section,
18 except as otherwise provided by statute or common law."

19 Section 2. EFFECTIVE DATE. --The effective date of the
20 provisions of this act is July 1, 2003.